

ORIGINAL

FILED IN OPEN COURT
U.S.D.C. Atlanta

JUL - 7 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

James N. Hatten, Clerk
By: *Chadwick A. Smith*
Deputy Clerk

UNITED STATES OF AMERICA

v.

DAVID LEON HENDRIX

Criminal Indictment

No. **1 20 - CR - 246**

THE GRAND JURY CHARGES THAT:

Count One

On or about November 13, 2019, in the Northern District of Georgia, the defendant, DAVID LEON HENDRIX, knowing that he was previously convicted of at least one of the following crimes punishable by imprisonment for a term exceeding one year, that is:

- Interference with government property, in the Superior Court of Cobb County, Georgia, in or about December 2002;
- Possession of a firearm by a convicted felon, in the Superior Court of Cobb County, Georgia, in or about June 2005;
- Trafficking in methamphetamine, in the Superior Court of Cherokee County, Georgia, in or about May 2005;
- Robbery by force, in the Superior Court of Cobb County, Georgia, in or about November, 2010; and

- Aggravated assault, aggravated battery, and possession of a firearm by a convicted felon, in the Superior Court of Cherokee County, in or about January 2012,

did knowingly possess at least one of the following firearms, that is:

- One (1) Smith and Wesson 9mm pistol; and
- Thirteen (13) rounds of Winchester .40 caliber ammunition,

said possession being in and affecting interstate and foreign commerce, all in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 924(e).

Forfeiture Provision

Upon conviction of the offense alleged in Count One of the Indictment, the defendant, DAVID LEON HENDRIX, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461, all firearms and ammunition involved in and used in the offense, including, but not limited to, the following items seized from the Defendant on or about November 13, 2019:

- One (1) Smith and Wesson 9mm pistol and any ammunition therein;
and
- Thirteen (13) rounds of Winchester .40 caliber ammunition and a Glock magazine.

If, as a result of any act or omission of the defendant, any property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;

- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States intends, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

A True BILL
[Signature]
FOREPERSON

BYUNG J. PAK
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